

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Downes et al.
 Title: NON-STEROIDAL FARNESOID X RECEPTOR MODULATORS
 Appl. No.: 10/535,041
 Filing Date: 5/13/2005
 Examiner: Unknown
 Art Unit: 1645

| | |
|--|--|
| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. | |
| <u>Stephen E. Reiter</u> (Printed Name) | |
| <u>Step E. R.</u> (Signature) | |
| 5/9/05 (Date of Deposit) | |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment-IDS
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 3/9/05

By Stephen E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192

Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|---|---|----|---|--------------------------|---------------------------|
| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i> | | | | Complete if Known | |
| Sheet | 1 | of | 1 | Application Number | 10/535,041 |
| | | | | Filing Date | 5/13/2005 |
| | | | | First Named Inventor | Michael R. Downes |
| | | | | Group Art Unit | |
| | | | | Examiner Name | |
| | | | | Attorney Docket Number | SALK3130-1J (088802-9705) |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|----------------------|-----------------------------------|---|---|--|
| | | Number | Kind Code ² (if known) | | | |
| A1 | 4,160,452 | | | Theeuwes | 07-10-1979 | |
| A2 | 4,256,108 | | | Theeuwes | 03-17-1981 | |
| A3 | 4,265,874 | | | Bonsen et al. | 05-05-1981 | |
| A4 | 5,151,442 | | | Garcia et al. | 09-29-1992 | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|--------------------------------------|---|--|--|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | | |
| A5 | WO | 00/37077 | | | Glaxo Group Limited | 06-29-2000 | | |
| A6 | WO | 00/76523 | | | Allergan Sales, Inc. | 12-21-2000 | | |

NON PATENT LITERATURE DOCUMENTS

| | | | |
|--------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
| | A7 | Laffitte et al., "Identification of the DNA binding specificity and potential target genes for the farnesoid X-activated receptor." Journal of Biological Chemistry, 275: 10638-10647, 2000. | |
| | A8 | Nicolaou et al., "Natural product-like combinatorial libraries based on privileged structures. 1. General principles and solid-phase synthesis of benzopyrans." Journal of the American Chem. Soc., 122: 9939-9953, 2000. | |
| | A9 | Nicolaou et al., "Natural product-like combinatorial libraries based on privileged structures. 2. Construction of a 10,000-membered benzopyran library by directed split-and-pool chemistry using nanoKans and optical encoding." Journal of the American Chem. Soc., 122: 9954-9967, 2000. | |

| | | | |
|--------------------|-----------------|-----------------|------------|
| Examiner Signature | /Bernard Dentz/ | Date Considered | 03/03/2008 |
|--------------------|-----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BD/